

### **REMARKS/ARGUMENTS**

This is responsive to the Official Action of July 22, 2009, a Final Rejection and accompanies a Request for Continued Examination.

Claims 18, 19, 21, 24, 25, 27-30, 32, 35, 36, 38-40, 42 and 43 remain pending in the application. The only issue presented is the patentability/"non-obviousness" of these claims over the disclosures of U.S. patent 4,994,264 to Verdon. Applicants appreciate the care and detail to which the examiner has presented his position with respect to the asserted relevance of the prior art and also a response to previously presented arguments on pages 4-6.

In outline form and in general terms, the process of the subject application relates to a process for the manufacture of cosmetics which includes the steps of:

1. preparing two separate "phases", referred to as "fatty emulsion" and "coloring powders";
2. mixing these "phases";
3. extruding the paste thus obtained;
4. drying the extruded product; and
5. optionally sizing it.

What it is meant as "phase", according to the present invention, is clearly evident from the whole specification; *see* in particular page 2, line 19 to page 4, line 16 and page 4, lines 23-24, and is unambiguously explained in Example 1.

The "fatty emulsion" phase, according to the present invention, is an emulsified mixture of a solvent, preferably water, and a fatty mass. The emulsion is advantageously prepared by moderate heating the mixture (*see* page 2, lines 19-24 and Example 1).

The "coloring powders" phase, according to the present invention, is a solid mixture of pigments, optionally added with the other solid components of the cosmetic product, such as diluents, preservatives and the like (*see* for instance page 3, lines 13-16 and page 8, lines 13-17).

Verdon does not disclose the preparation of said two different "phases". Verdon discloses the preparation of a "press molded cosmetic product" which includes the following steps

(a) preparation of a slurry made of a polar solvent, water and gum (column 4, lines 14-19), preferably made of 20% ethanol, and 80% of a 0.25% solution of xanthan gum in water (column 4, lines 57-59); and

(b) mixing the slurry so prepared with an admixture of the other components of the composition (column 4, lines 20-25; lines 60-64).

Xanthan gum is a long chain polysaccharide; accordingly the slurry of step (a) cannot be a "fatty emulsion" phase according to Verdon.

The admixture used in step (b) is made of diluents (mica, talc, kaoline), preservatives (parabens), pigments (I/O black, Red No. 6 Ca lake, etc) and fats (octylpalmitate, polyglyceryl-3-diisostearate); accordingly this admixture is not a "coloring powders" phase according to Verdon.

Also, Verdon provides for the extrusion in a "*standard cosmetic powder compression molding device under standard cosmetic powder molding conditions*" (column 4, lines 28-31) and the composition is thus "*molded into the desired shape and then removed from the compression molding device*" (column 4, lines 32-34).

The process of the subject application does not make use of any compression molding device. According to the present invention, after the two phases are mixed together, the paste is extruded through a normal extruder or a drawing machine to obtain a semi-solid product which already presents/delivers the required shape (*see* for instance page 4, lines 25-29 and page 6, lines 23-24).

It is self-evident that the two processes are quite different.

Due to their differences, Verdon's product is not sized after the "alleged" extrusion. The product is directly press molded into the desired shape and then removed from the compression molding device (column 4, lines 32-33).

In contrast to Verdon, the product of the present application is extruded, for example through piston or screw extruders which produce for instance cylinders or parallel pipe and then cut to the required length (*see* for instance page 4, line 25 to page 5, line 4).

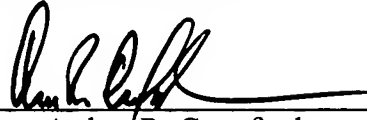
For the above reasons it is respectfully submitted that the claims of this application define inventive subject matter. Reconsideration and allowance are solicited.

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Respectfully submitted,

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